

BOROUGH OF WATCHUNG

ORDINANCE NO. ORD: 18/09

AN ORDINANCE OF THE BOROUGH OF WATCHUNG AMENDING AND SUPPLEMENTING SECTION 2-39, TITLED "ENVIRONMENTAL COMMISSION", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG, BY REPEALING AND REPLACING SUBSECTION 2-39.2 TITLED "MEMBERSHIP; TERMS OF OFFICE, VACANCIES; COMPENSATION" WITH SUBSECTION 2-39.2 TITLED "MEMBERSHIP, TERMS OF OFFICE; VACANCIES; COMPENSATION", BY REPEALING AND REPLACING SUBSECTION 2-39.3 TITLED "POWERS AND DUTIES GENERALLY" AND REPLACING WITH SUBSECTION 2-39.3 TITLED "POWERS AND DUTIES," BY REPEALING AND REPLACING SUBSECTION 2-39.5 TITLED "RECORDS AND REPORTS" WITH SUBSECTION 2-39.5 TITLED "MEETINGS AND MINUTES," AND BY ADDING SUBSECTION 2-39.7 TITLED "SPECIAL REQUIREMENTS; CONFLICT OF INTEREST."

BE IT ORDAINED by the Mayor and Council of the Borough of Watchung, County of Somerset, State of New Jersey, as follows¹:

Section 1. §2-39.2 "Membership; Terms of Office; Vacancies; Compensation" is hereby repealed and replaced with §2-39.2 "Membership; Terms of Office; Vacancies; Compensation" as follows:

The Borough of Watchung Environmental Commission shall consist of seven (7) members who shall be appointed by the Mayor. One member shall be a member of the Planning Board. All members must be residents of the Borough of Watchung. The term shall be for three (3) years, and if a vacancy shall occur otherwise than by expiration of term, it shall be filled for the remainder of the unexpired term by mayoral appointment. Members shall serve until the appointment of their respective successors in office. All members shall serve without compensation. Members of the Environmental Commission shall appoint, from their own membership, one member to serve as Chairman and one member to serve as Secretary.

Section 2. §2-39.3 "Powers and Duties Generally" is hereby repealed and replaced with §2-39.3 "Powers and Duties" as follows:

The Borough of Watchung Environmental Commission shall have the following powers and duties:

¹Editor's Note: The portions to be deleted are shown with strike-outs and will be deleted from the codified version of this Ordinance and the underlined portions will remain in the codified version of this Ordinance.

- a. The Environmental Commission has power to conduct research into the use and possible use of the open land areas of the Borough and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which, in its judgment, it deems necessary for its purposes.
- b. The Environmental Commission shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the use and/or preservation of such areas.
- c. The Environmental Commission may recommend to the Planning Board plans and programs for inclusion in a Borough Master Plan, and plans and programs for the development and use of open areas.
- d. The Environmental Commission shall have the power to study and make recommendations concerning open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna. Copies of all applications to the Planning Board and Board of Adjustment shall be forwarded to the Environmental Commission prior to public hearing.
- e. The Environmental Commission shall develop strategies to utilize the Open Space Trust Fund in an efficient and economical manner in order to maximize opportunities to provide all the residents of the Borough of Watchung with parklands and green zones, to protect ecologically sensitive areas, to preserve flora and wildlife, to preserve farmland and to protect land of scenic, historic and cultural value while simultaneously creating public outdoor recreational opportunities for the Borough.
- f. The Environmental Commission shall design and make available a packet of materials to the public detailing the benefits from gifts and/or bequests of land or an interest therein to the Borough.
- g. The Environmental Commission shall prepare the following plans in the event Open Space Trust Fund monies will be used in the areas indicated, for adoption by the Borough Council:

1. Plan for selection of additional lands for acquisition for recreation and conservation purposes subject to approval by the Mayor and Council.

2. Plan for projects to develop or maintain lands acquired for recreation and conservation purposes.

3. Plan for selection of farmland for acquisition for farmland preservation pursuant to the provisions of the Agriculture Retention and Development Act (N.J.S.A. 4:1C-11) or any other law enacted for the purpose of preserving farmland.

4. Plan for selection of historic preservation projects.

Upon authorization of the Borough Council, Open Space Trust Fund monies may be used to pay the cost of preparing and adopting the plans referenced above.

h. The Environmental Commission shall be responsible for advising the Borough Council as follows:

1. Recommending to the Borough Council sites to be utilized for open space purposes.

2. In preparing its above recommendation, the Environmental Commission shall:

(a) Review the Master Plan and the ordinances of the Borough.

(b) Review Borough tax maps, Planning Board and Board of Adjustment applications and other information which may assist the Environmental Commission in determining which tracts may be utilized for recreational use, i.e., playgrounds, ballfields, and hiking trails, etc.

i. The Environmental Commission shall work in conjunction with the Recreation Commission, whose responsibilities also include the acquisition of property for open space, environmental or recreational purposes, and the Historical Committee, whose responsibilities also include matters pertaining to historic sites. Before any recommendation regarding the purchase of open space or historic property is made to the Borough Council, that recommendation will be presented to the Recreation Commission and Historical Committee for their comment, which comment will be forwarded to the Borough Council with the Environmental Commission's recommendation. The Environmental Commission will also consult with any other committee, commission or other body it deems appropriate.

j. Reports. The Environmental Commission shall periodically report in writing to the Borough Council and, at the request of the Borough Council or by the Environmental Commission's initiative, appear before the Borough Council to report on its activities.

k. The Environmental Commission shall research and recommend to the Borough Council alternatives for grant funding which may be available to assist the Borough Council in its purchase of land.

Section 3. §2-39.5 "Records and Reports" is hereby repealed and replaced with §2-39.5 "Meetings and Minutes" as follows:

a. Schedule of Meetings. The Chairman of the Environmental Commission shall annually, within the first two weeks of January, schedule a minimum of four quarterly meetings which will be posted on the Borough Website. Such meetings may be cancelled by the Chairman, within one week thereof. Notice of any cancellation must be posted on the Borough's Website.

b. Minutes. The Secretary of the Environmental Commission shall keep minutes of all meetings of same. All minutes will be transmitted to the Mayor and Council of the Borough of Watchung within one week after approval. All such minutes are government records subject to disclosure in accordance with the state's Open Public Records Act.

Section 4. §2-39.7 "Special Requirements; Conflict of Interest" is hereby added as follows:

No member of the Environmental Commission shall participate in any discussion or vote on any recommendation relative to sites within two hundred (200) feet of his or her property (which he or she owns or has any interest in or which a related party or business associate may have an interest in). Members of the Environmental Commission shall be subject to the Local Government Ethics Act. Definitions in Local Government Ethics Act shall apply to the Environmental Commission.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 6. Effective Date. This Ordinance shall take effect upon final adoption and publication according to law.

ATTEST:

BOROUGH OF WATCHUNG

Michelle DeRocco, Clerk

Stephen K. Pote, Mayor

INTRODUCED BY: Black
PASSED: April 19, 2018
PUBLISHED:
ADOPTED:

